

VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF FAIRFAX

JODI C. MAHDAVI,

Plaintiff,

v.

Case No. 14-7294

NEXTGEAR CAPITAL, INC.,

and

P.A.R. SERVICES, INC.

Defendants.

NOTICE TO STATE COURT OF REMOVAL

COMES NOW the Defendant, Nextgear Capital, Inc., (hereinafter "Defendant"), by counsel, pursuant to 28 U.S.C. § 1446, and hereby files this Notice to State Court of Removal to advise this Court of the removal of this proceeding to the United States District Court for the Eastern District of Virginia, Alexandria Division. In support thereof, Defendant states as follows:

1. On May 29, 2014, Plaintiff filed a Complaint in this Court styled *Jodi C. Mahdavi v. Nextgear Capital, Inc. and P.A.R. Services, Inc.*, Case No. 14-7294.
2. Upon information and belief, Plaintiff Jodi C. Mahdavi is a resident of the state of Virginia. *See*, Plaintiff's Complaint at ¶ 1 (listing Ms. Mahdavi's address as 915 Fairway Dr. Vienna, VA 22180).
3. Defendant is incorporated under the laws of the State of Delaware, with its principal place of business in Atlanta, Georgia.



4. Upon information and belief, Defendant P.A.R. Services, Inc. is a Maryland corporation with a principal place of business of 6504 Yochelson Place, Clinton, Maryland 20735.

5. Defendant filed a Notice of Removal pursuant to 28 U.S.C. § 1446 in the United States District Court for the Eastern District of Virginia, Alexandria Division, on May 30, 2014. A copy of the Notice of Removal is attached as Exhibit A.

6. The United States District Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332 because there is diversity of citizenship among the necessary and properly named parties.

7. The amount in controversy, exclusive of interest and costs, exceeds \$75,000. *See*, Plaintiff's Complaint (seeking "compensatory damages in the amount of One Hundred Thousand Dollars (\$100,000.00)"). Therefore, this action is removable pursuant to 28 U.S.C. § 1441.

8. Pursuant to 28 U.S.C. § 1446, removal of the above-referenced case is complete upon the filing of the Notice of Removal in the United States District Court, and this Court can proceed no further unless and until this case is remanded by order of the United States District Court for the Eastern District of Virginia, Alexandria Division.

9. By filing this Notice to State Court of Removal and the corresponding Notice of Removal in the federal court, Defendant does not waive any of its denials, objections, affirmative defenses, or general defenses.

WHEREFORE, Defendant respectfully requests that the Circuit Court for the County of Fairfax, Virginia take all necessary actions to assist in the removal of this action and transfer of the necessary records to the United States District Court for the Eastern District of Virginia, Alexandria Division.

NEXTGEAR CAPITAL, INC.

By: Ashley W. Winsky
Of Counsel

Ashley W. Winsky (VSB #79224)
Willcox & Savage P.C.
440 Monticello Ave., Ste. 2200
Norfolk, Virginia 23510
(T) (757) 628-5500
(F) (757) 628-5566
Counsel for Nextgear Capital, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice to State Court of Removal was sent via first-class mail, postage prepaid, this 30th day of May, 2014 to:

Jonathan E. Levine, Esq.
LEVINE, DANIELS & ALLNUTT, PLLC
Heritage Square
5311 Lee Highway
Arlington, VA 22207
Jonathan.levine@levinedaniels.com
Counsel for Plaintiff

and

P.A.R. Services, Inc.
6504 Yochelson Place
Clinton, MD 20735

and

P.A.R. Services, Inc.
Edward J. Sargent, Registered Agent
860 Greenbriar Circle, Suite 301
Chesapeake, VA 23327

Ashley W. Winsky

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

JODI C. MAHDAVI,

Plaintiff,

v.

Civil Action No. _____

NEXTGEAR CAPITAL, INC.,

and

P.A.R. SERVICES, INC.

Defendants.

NOTICE OF REMOVAL

COMES NOW the Defendant, Nextgear Capital, Inc., (hereinafter "Defendant"), by counsel, pursuant to 28 U.S.C. §§ 1441 and 1446, and hereby files this Notice of Removal, removing the above-styled action pending in the Circuit Court of Fairfax County to this Court. In support of this Notice, Defendant respectfully states as follows:

1. On or about May 29, 2014, Plaintiff filed a Complaint styled *Jodi C. Mahdavi v. Nextgear Capital, Inc. and P.A.R. Services, Inc.*, in the Circuit Court for the County of Fairfax, Case No. 14-7294. A copy of the Complaint is attached to this Notice as Exhibit A. Plaintiff also filed a Motion for Temporary Restraining Order.

2. On May 30, 2014, the parties appeared for a scheduling conference with the Circuit Court for the County of Fairfax. The Circuit Court set a hearing on the Motion for Temporary Restraining Order for Monday, June 2, 2014.

3. Nextgear has not received any notices, orders, or pleadings from the Court. *See*, 28 U.S.C. § 1446(a).



4. Upon information and belief, Plaintiff Jodi C. Mahdavi is a resident of the state of Virginia. *See, Exhibit A* (listing Ms. Mahdavi's address as 915 Fairway Dr. Vienna, VA 22180).

5. Nextgear Capital, Inc. is incorporated under the laws of Delaware, with its principal place of business in Atlanta, Georgia.

6. Upon information and belief, Defendant P.A.R. Services, Inc. is a Maryland corporation with a principal business address of 6504 Yochelson Place, Clinton, MD 20735.

7. The United States District Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332. There is diversity of citizenship among the necessary and properly named parties and the amount in controversy, exclusive of interest and costs, exceeds \$75,000. *See, Exhibit A* (seeking "compensatory damages in the amount of One Hundred Thousand Dollars (\$100,000.00)"). This action is therefore removable to this Court pursuant to 28 U.S.C. § 1441.

8. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b). Plaintiff has not served Defendant with a summons or the Complaint. Counsel for Defendants received an e-mailed copy of the Complaint and Motion on May 29, 2014. Upon information and belief, Defendant P.A.R. Services, Inc. has not been served.

9. Defendants are not citizens of the state in which the State Court Action was brought. *See, 28 U.S.C. § 1441(b).*

10. By filing this Notice of Removal, Defendant does not waive any of its denials, objections, affirmative defenses, or defenses under Rule 12 of the Federal Rules of Civil Procedure to Plaintiff's Complaint.

11. Pursuant to 28 U.S.C. §1446(d), Defendant has filed this Notice of Removal with the Circuit Court for the County of Fairfax, and has thereby notified the Clerk of said court of this removal.

12. A copy of the Notice to State Court of Removal filed in the Circuit Court for the County of Fairfax is attached hereto as Exhibit B. Defendant has served a copy of this Notice of Removal on Plaintiff in accordance with 28 U.S.C. § 1446(d).

WHEREFORE, Defendant respectfully requests that this action be removed to this Court from the Circuit Court for the County of Fairfax.

Respectfully submitted,

NEXTGEAR CAPITAL, INC.

By:


Of Counsel

Ashley W. Winsky (VSB #79224)
awinsky@wilsav.com
WILLCOX & SAVAGE, P.C.
440 Monticello Avenue, Suite 2200
Norfolk, VA 23510
Telephone: (757) 628-5500
Facsimile: (757) 628-5566
Counsel for Defendant Nextgear Capital, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Removal was sent via first-class mail, postage prepaid, this 30th day of May, 2014 to:

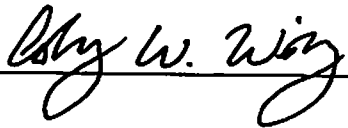
Jonathan E. Levine, Esq.
LEVINE, DANIELS & ALLNUTT, PLLC
Heritage Square
5311 Lee Highway
Arlington, VA 22207
Jonathan.levine@levinedaniels.com
Counsel for Plaintiff

and

P.A.R. Services, Inc.
6504 Yochelson Place
Clinton, MD 20735

and

P.A.R. Services, Inc.
Edward J. Sargent, Registered Agent
860 Greenbriar Circle, Suite 301
Chesapeake, VA 23327

_____